

Message

From: Miller, Patrick [miller.patrick@epa.gov]
Sent: 4/6/2020 4:07:49 PM
To: R5 ECAD-AECAB-MN-OH [R5-ECAD-AECAB-MN-OH@epa.gov]
CC: Dickens, Brian [dickens.brian@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]
Subject: FW: Sample DOJ language for initial FM response
Attachments: EPA Response to ExxonMobil FM TS Imelda 10-30-19.pdf

Regarding Force Majeure request – From Brian.

Hello

We may receive notices of Force Majeure. All Force Majeure notices need to be tracked so let the Section Chief know when you get one.

EPA is responding to individual facility force majeure claims of Consent Decree violations. The AECAB drafts the letter according to this template and sends to Sara, she will sign.

FM notices as part of Global settlements go to AED, Greg Fried will reply. Copy Section Chief.

Regardless of which regulation, permit, or CD, always ensure the states get a copy of the FM request.

If they are in relation to a permit or a delegated regulation, please direct them to the states, see the websites below. But copy Section Chief.

- MPCA has created a website for industries and is processing requests for extensions, etc., on a case-by-case basis. (<https://www.pca.state.mn.us/covid-19/covid-19-and-regulatory-flexibility>)
- Ohio EPA has posted on <https://epa.ohio.gov/covid19> the process the regulated community must follow if they are seeking regulatory flexibility/discretion due to COVID-19.

From: Breneman, Sara <breneman.sara@epa.gov>
Sent: Monday, April 06, 2020 9:43 AM
To: Galinsky, Virginia <Galinsky.Virginia@epa.gov>; St. Peter, Marie <StPeter.Marie@epa.gov>; Schaufelberger, Daniel <schaufelberger.daniel@epa.gov>; Marshall, Sarah <marshall.sarah@epa.gov>
Cc: Dickens, Brian <dickens.brian@epa.gov>; Frank, Nathan <frank.nathan@epa.gov>; Callahan, Adrienne <callahan.adrienne@epa.gov>; Koesters, Joseph <Koesters.Joseph@epa.gov>; Miller, Patrick <miller.patrick@epa.gov>; Wagner, Anna <wagner.anna@epa.gov>
Subject: FW: Sample DOJ language for initial FM response

All, AED has decided that for individual (non-Global) Force Majeure requests that come into the Region, the Region will respond. I will speak with the SCs about how to track these. I will be the one to run them the draft up to HQ for approval. Greg has attached draft language. I haven't read each of these to know what they are asking for, but I think so far we have:

Verso
SPPR
Exxon
Anchor Glass

More to come. Thanks, Sara

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